Please charge any additional fees which may be required at any time during prosecution of the instant application to deposit account 50-2134.

It is respectfully requested that the following amendments be entered in the above-identified application.

In the Specification

Please replace the title of the invention at page 1, line 1, with the following rewritten title:

-- PLUM TREE NAMED 'SWEET BOGENVILLE' -- .

Please replace the paragraph at page 1, lines 3-7, with the following rewritten paragraph:

-- The present invention relates to a new and distinct variety of plum tree (*Prunus domestica* L.) which is named 'Sweet Bogenville', in particular to a plum tree having the plum pox virus (PPV) coat protein gene which imparts a high level of resistance to infection by PPV. --

Please replace the paragraph at page 1, line 20, to page 2, line 11, with the following rewritten paragraph:

-- The new variety was originated *in vitro* by *Agrobacterium tumafaciens*-mediated transformation of open pollinated seed of the 'Bluebyrd' (not patented) plum with the PPV coat protein gene at the Appalachian Fruit Research Station, Agricultural Research Service, U.S. Department of Agriculture in Kearneysville, WV. A2 Transformation of hypocotyl slices from an open pollinated seed of 'Bluebyrd' was carried out, and transgenic plants containing the PPV coat protein gene were successfully generated from the hypocotyl slices. In addition to the PPV coat protein gene, the plants also contained genes for kanamycin resistance (NPTII) and β-glucuronidase (GUS), transformation selection markers. The transformation and regeneration process is described in detail in Scorza et al. (1994. *Plant Cell Reports*. vol. 14, pp. 18-22). --

Please replace the paragraph at page 3, lines 1-11, with the following rewritten paragraph:

-- While the female (seed) parent of 'Sweet Bogenville' is 'Bluebyrd', the pollen source (male parent) is unknown. The new A3

variety is distinct from its seed parent by its fruit quality, earlier ripening date (about 1 week earlier) and by the presence of the PPV coat protein, NPTII and GUS transgenes and by its high level of resistance to PPV. Since, at the time of the invention, no other plum tree contained these genes either singly or jointly, the pollen parent could not have contributed any of them, thus the new variety is also distinct from its pollen parent. Plum pox virus resistance is described in Ravelonandro et al. (1997. *Plant Disease*. vol. 81, pp. 1231-1235).--

A3

Please replace the paragraph at page 3, line 20, to page 4, line 8, with the following rewritten paragraph:

-- The new variety was asexually propagated (originally from the greenhouse-grown plant) by bud-grafting on to standard rootstocks, including but not limited to *Prunus persica* (GF305 peach), *Prunus domestica* (European plum seedlings), *Prunus myrobalan* and [*Prunus cerasifera* x *P. munsoniana*] (GF 8-1). Comparisons of asexually propagated trees and the original plant of the new variety have shown that the characteristics of high level of PPV resistance, vigorous growth, upright tree form,

A4

A4 productivity, high fruit quality and large fruit size are maintained. No aberrant types appeared. --

Please replace the paragraph at page 4, lines 9-17, with the following rewritten paragraph:

-- The new variety serves as an effective parent for transferring the PPV coat protein gene and resistance to PPV (as described in Scorza et al. 1998. *Acta Hort.* vol. 472, pp. 421-427 and Ravelonandro et al. 1998. *Acta Hort.* vol. 478, pp. 67-71). A5 The transgene insert is transferred as a single genetic locus and resistance acts in a dominant manner. This simply inherited dominant resistance provides resistance as described above to the major known serotypes of PPV (Ravelonandro et al. 2001. *Acta Hort.* vol. 550, pp. 431-435). The plant is not self-fertile; a pollinator is required. --

Please replace the paragraphs at page 5, lines 15-18, with the following rewritten paragraphs:

-- Figure 1 is a color photograph showing fruit and leaves of the new plum variety 'Sweet Bogenville' at maturity. A6

A6

Figure 2 is a color photograph of the tree of the new plum variety 'Sweet Bogenville'. --

Please replace the paragraph at page 5, line 21, to page 6, line 6, with the following rewritten paragraph:

-- The following is a detailed description of the botanical and pomological characteristics of the subject plum. Color data are presented in Royal Horticultural Society (RHS) Colour Chart designations. Where dimensions, sizes, color, and other characteristics are given, it is to be understood that such characteristics are approximations of averages set forth as accurately as practicable. --

A7

Please replace the paragraph at page 6, lines 10-16, with the following rewritten paragraph:

-- *Tree*:

Size. - Large; height 4.9 m, canopy width 2.7 m at 7-yr growth in the field.

A8

Vigor. - Vigorous.

Growth. - Upright.

A8

Density. - Medium dense to dense.

Productivity. - Productive.

Bearing. - Regular. --

Please replace the paragraph at page 6, lines 17-19, with the following rewritten paragraph:

-- *Trunk*:

A9

Size. - Moderate to large; diameter 16.5 cm at 15-20 cm above ground level; circumference 51.3 cm at 15-20 cm above ground level.

Color. - Grayed-green ranging from RHS 197 A to D. --

Please replace the paragraph at page 6, line 20, to page 7, line 4, with the following rewritten paragraph:

-- *Branches*:

Size. - Medium.

A10

Texture. - Smooth to medium rough.

Spur development. - Moderate.

A10

Color. - Grayed-green ranging from RHS 197 A to D.

Shoots from roots (rootsuckers). - Moderate to heavy. --

Please replace the paragraph at page 7, lines 5-14, with the following rewritten paragraph:

-- *Leaves*:

Size. - Average length 92 mm, average width 45 mm.

Texture. - Smooth to somewhat rough.

Thickness. - Medium to thick; average thickness 0.42 mm.

A11

Glands. - Two, small, round; average width 0.44 mm, length 0.52 mm.

Margin. - Dentate.

Form. - Obovate-pointed.

Petiole. - Medium length, medium thickness with average length 11.8 mm, width 1.4 mm, thickness 1.3 mm, color green RHS 137B.

Color. - Upper surface-green RHS 139A; lower surface-green ranging from RHS 137 B to C. --

Please replace the paragraph at page 7, lines 15-19, with the following rewritten paragraph:

-- *Flowers*:

Bloom period. - Variable depending on weather, late March to mid-April in the Eastern Panhandle of West Virginia.

Color. - White.

A12

Pollen. - Present.

Filament. - Average length 7.7 mm.

Pedicel. - Average length 8.8 mm.

Pistil. - Average length 10.9 mm.

Petal. - Average size 6.9 mm x 9.6 mm.

Anther. - RHS 13A.

Sepal. - RHS 143C. --

Please replace the paragraph at page 8, lines 9-18 with the following rewritten paragraph:

-- *Flesh*:

A13

Ripens. - Evenly.

Texture. - Firm.